

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2014-008832

09/16/2014

HONORABLE CHRISTOPHER WHITTEN

CLERK OF THE COURT
A. Quintana
Deputy

SALES FORCE WON LTD

SCOTT D FREEMAN

v.

TEIXIDOR ENTERPRISES INC

RICHARD G NEUHEISEL

EVIDENTIARY HEARING

Courtroom 201 (OCH)

Prior to the commencement of today's hearing Plaintiff's Exhibits 1-26 and Defendant's Exhibits 27-44 are marked for identification.

1:48 p.m. This is the time set for Evidentiary Hearing regarding Plaintiff's Application for Writ of Attachment (with Notice) filed June 23, 2014. Plaintiff/Rudolpho DePaola is present and represented by counsel, Scott D. Freeman. Defendant/Eduardo Teixidor is present and represented by counsel, Richard G Neuheisel.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Discussion is held with the Court regarding the status of the case.

Rudolpho DePaola is sworn and testifies.

Plaintiff's Exhibits 1 and 3 through 4 are received in evidence.

2:29 p.m. The Court stands in recess.

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2:31 p.m. Court reconvenes with respective counsel and parties present.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Plaintiff's Exhibits 5 through 8 and 10 through 11 are received in evidence.

Rudolpho DePaola further testifies.

Plaintiff's Exhibit 45 and 46 are marked for identification

Plaintiff's Exhibit 45 is received in evidence.

Defendant's Exhibit 47 is marked for identification.

4:06 p.m. The Court stands in recess.

4:14 p.m. Court reconvenes with respective counsel and parties present.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Eduardo Teixidor is sworn and testifies.

Diego Teixidor is sworn and testifies.

Defendant's Exhibit 44 is received in evidence.

Based upon the matters presented,

IT IS ORDERED that neither party here shall do anything to affect any interest they might have in any of the equipment that is currently in the bakery.

Evidentiary Hearing Continued

IT IS ORDERED setting an **Evidentiary Hearing** in this matter for **October 6, 2014** (see **LATER**) at **3:30 p.m. (time allotted: 1 hour)**.

Plaintiff may issue 5 each non uniform interrogatories request for production and request for admissions, on sole issue of the ownership of the bakery equipment. Propounded discovery by no later than Friday September 19, 2014, Response shall be filed by October 3, 2014.

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If necessary, a person most knowledgeable about the bakery equipment may be deposed between now and hearing set herein or may take place October 3, 2014 at 1:30 p.m. in the jury room of this division.

Judge Christopher Whitten
Maricopa County Superior Court
125 W. Washington
OCH-Courtroom 201
Phoenix, AZ 85003

The proceeding will take place in the Superior Court's new "e-courtroom." A record of the proceedings may be made by videotape and CD in lieu of a court reporter. Should you want an unofficial copy of the proceedings, the court will make a VHS videotape or "burn" a CD of the day's proceedings for a fee of \$20.00. If a CD or videotape is requested, please obtain a form from the courtroom clerk or from the Self Center to request a daily copy of a court hearing or trial proceeding being conducted. Pay the applicable fee **at the Self Service Center**. Attach the receipt showing payment of the fee and present both the receipt and the form to the courtroom clerk or bailiff. **For copies of hearings or trial proceedings recorded previously, please call Electronic Records Services at 602-506-7100.** The CD-R disk may be viewed using Microsoft's Media Player or JAVS' CaseViewer. "CaseViewer" is available for free from Jefferson Audio Visual Systems at:

<http://www.javs.com/downloads/programs.htm>

Should an official transcript be required, you may request that the court prepare it. The party ordering the transcript must pay for it. With this new technology, a court reporter is likely not required and the parties are encouraged to experience the court's digital video recording system before requesting a court reporter. To request a transcript, call 602-506-7100 and provide the date of the proceeding, the case number, the case caption, if the transcript is for an appeal, and your name, address, and telephone number.

If a court reporter is required, the Court must receive a written request at least 3 court days before the commencement of the proceeding. Failure to timely request a court reporter will be deemed consent to proceed without a court reporter.

At least one week before the hearing, counsel shall present any and **all** exhibits for marking. The exhibits will be marked **numerically and serially** - Plaintiff's first, Defendant's second. Duplicate exhibits will not be marked.

IT IS ORDERED taking this matter under advisement.

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LET THE RECORD REFLECT that the clerk of this division shall retain the exhibits for the parties use at the Evidentiary Hearing scheduled herein.

FILED: Exhibit Worksheet, Declaration of Sales Force Won!, LTD., dba Strictly from Scratch LTD. In Support of Motion for Default Judgment

5:11 p.m. Matter concludes.

LATER:

IT IS ORDERED vacating Evidentiary Hearing set on October 6, 2014 and resetting same to October 20, 2014 at 3:30 p.m. (time allotted: 1 hour) in this division.